

Applicant : John E. Hartman
Appln. No. : 10/627,063
Page : 7

REMARKS

Claims 1-12 and newly numbered claims 13-19 are pending in the present application. Applicant has amended the specification to correct any informalities and to provide proper antecedent basis for the claimed subject matter.

Response to Examiner's §112, First Paragraph Rejection

The Examiner rejected newly numbered claim 16 under 35 U.S.C. §112, first paragraph, by stating:

because the specification, while being enabling for a supporting collar having an outer edge, a plurality of slots extending inwardly from the outer edge and having a narrowed throat section and an expanded seat section, and a plurality of frusto-conical surfaces in communication with the slots, does not reasonably provide enablement for these limitations applying to the potted plant as claimed. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

Applicant respectfully disagrees with the Examiner. Paragraph [0023] of the present application states:

[t]he potted plant hanger assembly 18 may optionally include a plant pot 46 including an outer edge 48 identical to the outer edge of support collar 25 (Fig. 6). Therefore, the plant pot 46 includes an outer edge 32 having a plurality of slots 34 extending inwardly therefrom. Each slot 34 includes a narrowed throat section 30 and an expanded seat section 37. The expanded seat section 37 has a frusto-conical surface 38 which is in communication with the slots 34. Identical to support collar 25, each outer edge 48 of the plant pot 46 includes slots 50.

To further comply with the enablement requirement, Applicant has amended the language in newly numbered claim 16 from "potted plant" to "plant pot". Applicant believes that this places newly numbered claim 16 in condition for allowance.

Applicant : John E. Hartman
Appln. No. : 10/627,063
Page : 8

Response to Examiner's §112, Second Paragraph Rejection

The Examiner has rejected claims 5, 6, 11 and newly numbered claims 16-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 5 has been amended from "at least one stop member component is" to read "the plurality of stop members are". Claim 6 has been amended from "the at least one stop member component" to read "the plurality of stop members are". Claim 10 has been amended to include the language "an outer edge, a plurality of slots extending inwardly from the outer edge and each having a narrowed throat section and an expanded seat section, and a plurality of frusto-conical surfaces in communication with the slots." This provides antecedent basis for "the slots" of claim 11. Regarding newly numbered claim 16, the language "the at least one support collar" has been replaced with "plant pot" and the language "the supporting collar" has been replaced with "plant pot". For the above reasons, claims 5, 6, 11, newly numbered claims 16-19 and the unspecified claims which were rejected as being dependent upon a rejected base claim are now believed to comply with 35 U.S.C. §112, second paragraph, and are believed to be in condition for allowance.

Response to Examiner's §103(a) Rejection

The Examiner has rejected claims 1-12 and newly numbered claims 13-19 under 35 U.S.C. §103(a) as being unpatentable over Lewis (Des. 235,601) in view of U.S. Patent No. 4,875,653 to Connolly. Regarding independent claim 1, the Examiner states:

Lewis discloses the claimed invention including at least one support collar comprising at least one inner aperture, an outer edge, a plurality of holes and a plurality of surfaces in communication with the holes; a plurality of support members; and a plurality of stop members connected to the support members, wherein the stop members are seated against the surfaces of the collar and prevent downward movement of the collar with respect to the support members.

Further, the Examiner states:

Connolly teaches a slot, see Fig. 6, for example, in the same field of endeavor for the purposes of supporting a pot. It would have been obvious to one of ordinary skill in the art at the time the

Applicant : John E. Hartman
Appln. No. : 10/627,063
Page : 9

invention was made to modify Lewis to substitute the slot as taught by Connolly for the hole in order to support a pot.

Applicant respectfully disagrees with the Examiner. In order to establish a prima facie case of obviousness, three basic criteria must be met, according to the Manual of Patent Examining Procedure, §706.02(j). These three are repeated as follows. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Secondly, there must be a reasonable expectation of success. Thirdly, the prior art reference (or references) must teach or suggest all the claim limitations. Applicant respectfully submits that the Examiner has not established a prima facie case of obviousness for the rejecting claims 1-12 and 14-20.

In regard to the first criterion of obviousness, there is no suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The Lewis reference discloses the ornamental design as depicted in Figs. 1, 2 and 3 of the '601 patent. The Lewis reference clearly does not suggest or provide motivation for a supporting collar including an outer edge, a plurality of slots extending inwardly from the outer edge and each having a narrowed throat section and an expanded seat section and a plurality of frusto-conical surfaces in communication with the slots. Moreover, via the Examiner's own admission, "Lewis does not disclose 1) the holes being slots, 2) the surfaces being frusto-conical, 3) the support members being explicitly flexible, and 4) the stop members being seated within the frusto-conical surfaces of the collar." Additionally, the Connolly reference discloses a pulley bracket, having a pulley wheel and swivel pulley wheel holder attached thereto. As formed as part of the swivel pulley wheel holder is a protruding cord slot arm. The pulley bracket and the corresponding pulley wheel, swivel pulley wheel holder and corresponding cord slot arm are part of a support system and apparatus for suspending and resuspending articles at selected height positions. As stated in the '653 patent, "[t]he invention concerns suspension systems and apparatus [sic] which enable elevated hanging and rehanging of articles at a choice of selected heights and also enable manual control and service maintenance by personnel located

Applicant : John E. Hartman
Appln. No. : 10/627,063
Page : 10

at a lower level such as floor level." Accordingly, there is no suggestion or motivation either in the references themselves or in the knowledge generally available to one of skill in the art, to modify or combine these reference teachings.

In regard to the second criterion of obviousness, there is no reasonable expectation that the combination would be successful. The Lewis reference discloses the ornamental design as depicted in Figs. 1, 2 and 3 of the '601 patent. The Connolly references discloses a support system and apparatus for suspending and resuspending articles at selected height positions including a pulley bracket, a pulley wheel, a swivel arm and a cord slot arm. The '653 patent states, "[t]he invention concerns suspension systems and apparatus [sic] . . . " which "also enable manual control and service maintenance by personnel located at a lower level such as floor level." Accordingly, there is no reasonable expectation that the combination of these two references would be successful.

In regard to the third criterion of obviousness, the prior art references do not teach or suggest the claim limitations. Via the Examiner's own admission, the references do not disclose the following claim limitations: "1) the holes being slots, 2) the surfaces being frusto-conical, 3) the support members being explicitly flexible, and 4) the stop members being seated within the frusto-conical surfaces of the collar." Moreover, the references do not teach or suggest a hanger assembly for hangingly supporting a potted plant including at least one supporting collar comprising at least one inner aperture extending therethrough adapted to receive a potted plant therein, an outer edge, a plurality of slots extending inwardly from the outer edge as required by pending claim 1 of the present application. Accordingly, claim 1 is in condition for allowance.

Claims 2-9 depend from claim 1, and since claim 1 defines unobvious patentable subject matter, claims 2-9 define patentable subject matter. Furthermore, the prior art of record does not teach or suggest the aspects of claim 1 and that the slots snappably receive one or more flexible support members (claim 2), support members comprise cables or rope (claim 3), the stop members comprise one or more components (claim 4), the plurality of stop members are crimped, glued, welded or otherwise fixedly attached to the flexible support members (claim 5), the plurality of stop members are crimped, glued, welded or otherwise

Applicant : John E. Hartman
Appln. No. : 10/627,063
Page : 11

fixedly attached to the flexible support members and the plurality of stop members are spherically shaped (claim 6), the supporting collar comprises a substantially planar shape (claim 7), the supporting collar comprises plastic, metal, wood or any composite or combination thereof (claim 8) and a hanger assembly further comprising a swivel support (claim 9). Accordingly, claims 2-9 are in condition for allowance.

Regarding independent claim 10, the Examiner states "Lewis in view of Connolly discloses the claimed invention including a length of flexible support member being slidably adjustable. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make a length of flexible support member adjustable, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art."

Applicant respectfully disagrees with the Examiner. For the above noted reasons, Lewis in view of Connolly does not disclose a supporting collar comprising at least one aperture extending therethrough adapted to receive at least one potted plant therein, an outer edge, a plurality of slots extending inwardly from the outer edge and each having a narrowed throat section and an expanded seat section, and a plurality of frusto-conical surfaces in communication with the slots, a plurality of flexible support members slidably connected to at least one supporting collar, such that the location of the supporting collar along a length of flexible support member is slidably adjustable. For the above noted reasons, it is Applicant's position that independent claim 10 is patentable and that the Examiner has not established a prima facie case of obviousness for rejecting claim 10. Accordingly, claim 10 is in condition for allowance.

Claims 11, 12 and newly numbered claims 13-15 depend from claim 10, and since claim 10 defines unobvious patentable subject matter, claims 11, 12 and newly numbered claims 13-15 define patentable subject matter. Furthermore, the prior art of record does not disclose or suggest the patentable aspects of claims 11, 12 and newly numbered claims 13-15. Accordingly, claims 11, 12 and newly numbered claims 13-15 are in condition for allowance.

The Examiner has rejected newly numbered claims 16-19 stating "Re-claims 17-30, see above rejections of like claims." In view of the above arguments, it is Applicant's position that

Applicant : John E. Hartman
Appln. No. : 10/627,063
Page : 12

newly numbered claim 16 is also in condition for allowance. Newly numbered claims 17-19 depend from newly numbered claim 16, and since this claim defines unobvious patentable subject matter, newly numbered claims 17-19 define patentable subject matter. Furthermore, the prior art of record does not disclose or suggest the novel and non-obvious features of newly numbered claims 17-19. Accordingly, newly numbered claims 16-19 are in condition for allowance.

Accordingly, Applicant respectfully submits that all of the pending claims are novel and not obvious in view of the references cited by the Examiner and are in condition for allowance. A notice to that effect is earnestly solicited.

Applicant has made an earnest effort to place the present application in condition for allowance. In the event there are any remaining informalities or any other issues requiring Applicant's assistance, Applicant requests that the Examiner call the undersigned attorney at (616) 949-9610.

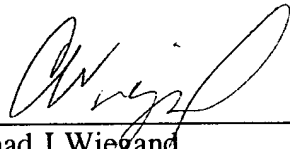
Respectfully submitted,

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